P.R. No. 1518/06
Presented by Shri Y. Chatterjee
dated 22/3/06

(4)

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 1577/06

PETITIONER

Ram Singh Satnami S/o Ledu Satnami aged about 51 years Occupation - service (Daily paid employee in PWD) R/o Village Ameradih, Post office Pihrid, Tah. Sakti District Janjgir-Champa C.G

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary & Ministry of Public Work Department D.K.S. Bhawan Raipur C.G
2. Chief Engineer Public Work Department, Bilaspur C.G.
3. Superintendent Engineer Public Work Department, Bilaspur C.G.
4. Executive Engineer Public Work Department Champa Division District- Janjgir-Champa C.G.
5. Sub-Divisional Officer Public Work Department Sub-Division Janjgir- Champa C.G.
6. Sub-Engineer Public Work Department Sub Divisional Office No.1, Sakti, District Janjgir C.G.

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WRIT PETITION UNDER ARTIC ALE 226/227 OF THE CONSTITUTION OF INDIA

(27) (26)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1577 OF 2006

Petitioner : Ram Singh.

Versus

Respondents : State of C.G. and others.

Shri Y. Chaturvedi, counsel for the petitioner.

Shri Sushil Dubey, Government Advocate for the respondents.

ORAL ORDER

(29th March, 2006)

1. The petitioner, employed as Gang Man, was retired on completion of 30 years of service. The petitioner filed a writ petition being W.P. No. 1928/2004, seeking a relief to direct the respondents to retire the petitioner on superannuation at the age of 60 years.

2. This Court while hearing the above mentioned writ petition along with other petitions wherein, the same issue was involved, directed the respondents to allow Gang Men, who had retired on completion of 30 years of service to rejoin the services and continue till they attain the age of 60 years.

3. On the question of regularization, the petition was rejected reserving liberty to the petitioners to raise the

issue of regularization before appropriate forum, if necessary.

4. The State Government by order dated 30.3.2005 deleted the clause, 'who on completion of 30 years of service' for retirement in the case of Gang men with prospective effect. However, this Court after having considered the facts and circumstances of the case and order/circular dated 30.3.2005 directed the respondents to consider even those cases where gang men had retired prior to 30.3.05, and to permit them to continue till they attain the age of 60 years. The petitioner was granted relief accordingly.

5. In the present case the petitioner has sought for payment of back wages from the date of his retirement on completion of 30 years of service till date of reinstatement, pursuant to the order dated 20th September, 2005, passed by this Court in earlier petition W.P. No. 1928/2004, filed by the petitioner.

6. In the facts and circumstances of the case, when the petitioner had no right to be reinstated and the petitioner was allowed to continue on the basis of subsequent order dated 30.3.2005 which was made effective w.e.f. 30.3.2005. Direction to make payment of back wages to the petitioner on a simple principle of 'no work no pay', would defeat the purpose of the order/circular dated 30.3.2005 read with order dated 20.9.2005, passed by this Court.

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7. Having regard to the facts and circumstances of the case and material on record, this petition deserves to be dismissed. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

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